

# **EXHIBIT 5**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN P. "JACK" FLYNN  
LESLIE A. FLYNN,

Case: 1:21-cv-02587-AS-SLC

Plaintiffs,

- against -

CABLE NEWS NETWORK, INC.,

Defendant.

**DECLARATION OF EMMA LACEY-BORDEAUX IN SUPPORT OF CNN'S MOTION  
FOR SUMMARY JUDGMENT**

I, Emma Lacey-Bordeaux, declare as follows:

1. I am over the age of eighteen, am a resident of Washington, D.C. and am competent to make this declaration. I have personal knowledge of the statements set forth below. I submit this declaration in support of the motion by defendant Cable News Network, Inc. ("CNN") for summary judgment in this action (the "Motion").

2. I am a Senior Director for Standards and Practices at CNN. Standards and Practices is the department at CNN dedicated to ensuring ethical and professional standards in CNN's journalism as embodied in CNN's News Standards and Practices Policy Guide ("S&P Guide"). I have been in my current position since October 2019.

3. I was the Standards and Practices director assigned to the CNN report at the center of this lawsuit, which first aired on CNN Tonight at 10:45 PM ET<sup>1</sup> on February 4, 2021, and was titled "Watch CNN Go Inside a Gathering of QAnon Followers" (the "Report"). A true and correct

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<sup>1</sup> All timestamps referred to in this declaration are in ET, unless otherwise noted.

copy of the Report, CNN002006, is attached as **Exhibit 1** to the Declaration of Katherine M. Bolger in support of the Motion (“Bolger Declaration”). All further references to “**Exhibit \_**” in this declaration refer to the numbered exhibits attached to the Bolger Declaration.

4. I believed the Report was fair and accurate at the time it was published, and I believe that the creation and publication of the Report did not depart from the standards of care associated with responsible journalism.

### **Background in Journalism**

5. I have over fifteen years of journalism and editorial experience at CNN.

6. I graduated from Georgia State University in 2008 with a bachelor’s degree (B.I.S.) in interdisciplinary studies. I also received a master’s of fine arts (M.F.A.) in narrative nonfiction from the Grady College of Journalism and Mass Communication at the University of Georgia in 2017.

7. I began my journalism career at CNN in 2008 as a researcher for the Row, CNN’s editorial oversight department, where I reviewed certain reporting and ensured it met CNN’s editorial standards.

8. Between 2011-2012, I served as an associate producer at CNN, where I produced and reported stories from across the country. I was later promoted to producer, where I wrote, reported, and produced stories for CNN’s online and digital platforms until mid-2013.

9. In 2013, I started as an editor on the Row, CNN’s editorial oversight department. I was promoted to Washington, D.C. editor on the Row, where I performed similar work until October 2019.

10. In October 2019, I moved to my current position as Senior Director of Standards and Practices at the Washington, D.C. bureau of CNN.

11. I regularly give talks and presentations about journalism and editorial integrity. For example, in 2017, I gave a presentation titled “Back to Basics: Media Verification and Trust” at the Rockit Digital Summit in Warsaw, Poland. In 2018, I gave a presentation titled “Ready, Set, Fact check!” at DataFest in Tbilisi, Georgia.

12. I have won several awards for my journalism. In 2018, I won the Best of Justice Reform award from the Vera Institute of Justice in recognition for a documentary I produced called “The Feminist on Cellblock Y.” In 2021, I won an Emmy for Outstanding Interactive Media: Current News for my editorial work on a CNN Digital project titled “How American Police Gear up to Respond to Protests.”

### **Standards and Practices**

13. Standards and Practices is one of the three independent departments, along with the Row and Legal, that are referred to in shorthand as the Triad at CNN. In my role as Senior Director for Standards and Practices, I help CNN journalists answer the question of whether CNN should report on an issue. As part of that role, I review material that is deemed to require Standards and Practices review, for example, if the story involves sensitive, controversial, or graphic material. There is no one-size-fits-all approach to why a story may necessitate Standards and Practices review. Similarly, there is no one standard approach to reviewing a story for Standards and Practices. Generally speaking, Standards and Practices review involves discussions with the journalists and review of relevant materials, including the story text or script and any supplemental materials, such as public reporting on the issue.

14. As part of Standards and Practices, I review stories to determine if they are in line with the S&P Guide, which all CNN employees must review yearly. The S&P Guide provides overarching guidance regarding specific issues that may arise in CNN’s reporting and establishes

certain core values by which CNN employees should operate. But as the S&P Guide explicitly states, its policies are “general guidelines for CNN employees concerning news reporting” and do not “lay down absolute or fixed rules.” Every news report and newsgathering activity is “unique and must be considered in its own full context,” and “what is appropriate for CNN in one circumstance may not be appropriate in another.”

15. I believe that the Report was, and is, in line with CNN’s Standards and Practices and the S&P Guide. I believed then, and I believe now, that the Report was fair and accurate.

### **My Role on the Report**

16. I reviewed the Report for Standards and Practices. On February 4, 2021, I received the Report for review along with my colleagues Fuzz Hogan (the Row) and Steve Kiehl (Legal).

17. I knew that CNN correspondent Donie O’Sullivan had significant reporting experience on online misinformation and disinformation, conspiracy theories, social media, and specifically, QAnon. I knew Mr. O’Sullivan to be a careful, unbiased, and fair reporter.

18. At the time, I was the Standards and Practices director who typically reviewed Mr. O’Sullivan’s stories and television news packages. It is my understanding that Mr. O’Sullivan prepared the Report himself by writing the script and determining which videos and other elements would be included in the Report. It is my understanding that the Report was mechanically assembled at Mr. O’Sullivan’s direction.

19. I am aware that the Report focused on Mr. O’Sullivan’s reporting from an October 2020 QAnon convention in Scottsdale, Arizona, called Q Con Live!.

20. I do not remember in any detail the process I followed in approving Mr. O’Sullivan’s attendance at Q Con Live!. But I know that as a standard practice, Standards and Practices would have been tasked with speaking with the journalist to confirm compliance with

the underlying event's media policy, and I have no reason to believe we departed from our usual standard of care.

21. I do not specifically recall reviewing the script for the Report. But documents produced in this litigation have refreshed my recollection that I received the draft on the afternoon of February 4, 2021. It was not unusual for me to receive the Report script several hours before it was scheduled to air. I routinely, as do other Standards and Practices editors, review scripts on such a timeline, given the fast-paced nature of the news industry.

22. The Report script included a reference to a clip from a video that General Michael Flynn posted on July 4, 2020 on Twitter ("Oath Video") in which he and his family members recited the QAnon slogan, "Where We Go One, We Go All." The Report script relating to the Oath Video only mentioned General Flynn by name. I was already familiar with the Oath Video from previous widespread reporting that General Flynn and those pictured in the clip had taken a QAnon oath. This included CNN's own reporting in Marshall Cohen's July 7, 2020 article, "Michael Flynn posts video featuring QAnon slogans." A true and correct copy of Marshall Cohen's July 7, 2020 CNN article is attached as **Exhibit 92**.

23. I was also aware from public reporting prior to the Report that the "Where We Go One, We Go All" phrase was closely associated with the QAnon movement. As I stated at my deposition, I was aware that it had been used in its abbreviated form "WWG1WGA" as a hashtag online in relation to QAnon posts; that it was seen on flags at QAnon events; and that it had appeared on merchandise related to QAnon. Regardless of its origins, I was not aware of any other popular usage of the phrase at the time of the Report other than in the context of the QAnon movement. In my informed view, it was reasonable to state that usage of the phrase, especially in

the context that General Flynn and his family used it in the Oath Video, was associated with QAnon.

24. I believe that the Report fairly and accurately represented General Flynn and the Oath Video. The Report references a widely-reported fact: General Flynn promoted a QAnon slogan in a video of his family and himself that he posted on Twitter seven months earlier, that was itself part of a QAnon social media trend, the #TakeTheOath movement.

25. Having reviewed the Report since it aired, I also have no concerns that the video showed Plaintiffs Jack and Leslie Flynn (“Jack” and “Leslie”). As I understand, Jack’s brother and Leslie’s brother-in-law posted this clip picturing Jack, Leslie, and their family members. All of them were consenting adults when they participated in this video, and to my knowledge, none had disavowed the video. Moreover, the Report is not about Jack or Leslie, nor does it reference them by name or even include them reciting the oath.

26. Under the S&P Guide, the use of this clip does not reflect any selective editing, unfairness, or bias. Instead, the Report merely featured the most newsworthy and relevant aspect of the Oath Video. It was no different than, for example, featuring a clip showing a historical figure delivering a famous line at a political rally. Under the S&P Guide or journalism standards, I do not see any reason requiring the inclusion of the full Oath Video in the Report. The key point was that General Flynn undisputedly recited the words, “Where We Go One, We Go All.” Even setting aside the editorial impracticalities, the full video would not have disproven or provided any necessary context to that statement of fact. In sum, I have no concerns from a Standards and Practices perspective with the Report’s use of the selected clip from the Oath Video.

27. As I understand, Mr. O’Sullivan did not seek comment from Jack, Leslie, General Flynn, or other Flynn family members regarding the Report. From a Standards and Practices

perspective, there is no requirement to seek comment from an individual simply because he or she is briefly shown in a picture or video. Generally speaking, the normal practice is to seek comment if a story accuses someone of wrongdoing. Here, the story did not even focus on, or even mention Jack or Leslie, let alone accuse them of wrongdoing.

28. My primary Standards and Practices note for the Report was the substitution of “unnoticed” for “undetected” in the following line in the draft script: “You might think wearing a face mask would help a journalist go undetected . . . but not at this gathering of QAnon followers in Arizona just two weeks before November’s election.” In light of Q Con Live!’s media policy, I suggested this tweak to make clearer that Mr. O’Sullivan was in full compliance with that policy and had not concealed his identity in any manner. From a Standards and Practices perspective, I thought it was important to make this change to be as transparent as possible with CNN’s audience. I also confirmed with Mr. O’Sullivan that the Q Con Live! video would be attributed so that it was clear CNN had not recorded the footage. A true and correct copy of my email, CNN000339, is attached as **Exhibit 21**.

29. I did not review the final video of the Report prior to airing because I had no unresolved Standards and Practices concerns with the Report script. Standards and Practices does not routinely review all finished video reports prior to airing. If the circumstances warrant it, or if a story raises particular concerns, then review of the final video package may be part of the process. But where my notes were addressed, my standard practice would have been not to review the final video of the Report. I have no reason to believe I departed from that practice for the Report.

30. I understand that when it aired, the Report was accompanied by a banner on the lower third of the screen stating, “CNN goes inside a gathering of QAnon followers” (the “Chyron”). I had no involvement in creating or reviewing the Chyron, nor do I know who created

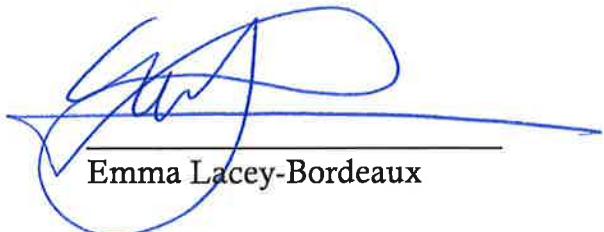
it, though chyrons are typically the responsibility of the CNN show airing the piece. As a general matter, Standards and Practices does not regularly review chyrons or banners accompanying video reports.

31. I have since reviewed the Report as it aired with the Chyron, and I believe the Chyron to comply with the S&P Guide and to be a fair and accurate capture of the Report. I understand that in this litigation, Jack and Leslie claim that the Report described them as “QAnon followers” based solely on the approximately two-second juxtaposition of the Chyron and their silent image. I do not agree with this claim, nor do I think a reasonable viewer would agree with it. First off, I believed then, as I believe now, that the Report is not about Jack, Leslie, or any of the Flynn family members. The Report was about QAnon and its role in U.S. politics, with a brief reference to the fact that General Flynn had publicly used a phrase closely associated with QAnon. I believed then, as I believe now, that the Report does not state, or imply, that Jack or Leslie (or any other member of the pictured Flynn family) is a “QAnon follower.” The Report only mentions General Flynn by name and states a matter of established fact: that General Flynn recited the words, “Where We Go One, We Go All.” It is also clear to me that the “gathering of QAnon followers” in the Chyron references Mr. O’Sullivan’s reporting from Q Con Live!. From a Standards and Practices perspective, the Chyron is fair and accurate, and does not refer to Jack or Leslie as a QAnon follower.

32. I stand by the Report fully. I had no reason to doubt, nor do I now, that the Report was in line with the S&P Guide. I had no reason to believe, nor do I now, that Mr. O’Sullivan exercised any bias against General Flynn, Jack, Leslie, or anyone else in the Report. Having since reviewed the Report as it aired with the Chyron, I maintain this view. I believed then, and believe now, that the Report was fair and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 7/4, 2023



Emma Lacey-Bordeaux